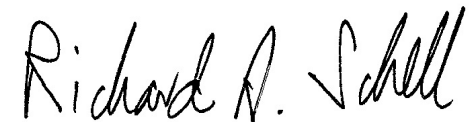


objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendants Bank of America, N.A., BAC Home Loans Servicing, LP, and Federal National Mortgage Association's Motion for Summary Judgment (Dkt. 31) is GRANTED as to (1) Plaintiffs' breach of contract claim based on a breach of the mortgage documents allegedly without adequate notice and an opportunity to cure, (2) Plaintiffs' suit to quiet title and trespass to try title claims, and (3) Plaintiffs' TDCA claims under Section 392.304 (a)(19), and Plaintiffs' shall take nothing by those claims. Further, Defendants' Motion for Summary Judgment is DENIED as to (1) Plaintiffs' negligent misrepresentation claim against Bank of America and (2) Plaintiffs' TDCA claims under Sections 392.304(a)(8), and those claims shall proceed to trial.

IT IS SO ORDERED.

SIGNED this the 27th day of March, 2013.

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE